IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.704 OF 2005

IN

SUIT NO.3934 OF 2002

...

Bank of India ...Plaintiff

v/s.

Sharvan Balkrishna Sharma ...Defendant

...

Mr.O.A. Das for the Plaintiff.

Mr.F.A.Mulla i/b Mr.G.K.Gole for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 6TH JUNE, 2006

P.C.:

The learned Counsel appearing for the Defendant states that the Defendant is willing to deposit the amount of principal with the Plaintiff bank within a period of one week from today.

2. In view of the willingness of the Defendant to deposit the amount of principal, after having heard the learned Counsel for the Plaintiff, in my opinion, following order would meet the ends of justice:

O R D E R

(i) In case the Defendant deposits the amount of Rs.53,924.54 with the Plaintiff/bank within a period of one week from today and produces a receipt issued by the Bank before the Prothonotary & Sr.Master within a week thereafter, this summons for judgment shall stand disposed of with and leave to defend shall stand granted to the Defendant. In that event the Defendant shall file his written statement within a period of eight weeks from the date of deposit.

(ii) In case the Defendant fails to deposit the amount within the aforesaid period and fails to produce receipt before the Prothonotary & Sr.Master within the aforesaid period, this summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clauses of the suit.
Refund of court fees as per rules.

(iii) Summons for judgment disposed of.

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